IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 20TH DECEMBER 2006 / 29TH AGRAHAYANA 1928

Bail Appl..No. 7473 of 2006()

CRMP.9470/2006 of J.M.F.C.-I, PUNALUR
Crime No.209/CR/KLM/00 of CBCID Alappuzha

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PETITIONER/ACCUSED NO.2

VINCY VARGHESE, S/O.VARGHESE,
MATTUMMEL HOUSE, THRIKKAKARA,
ERNAKULAM DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENT: COMPLAINANT

STATE OF KERALA, THROUGH THE DEPUTY
SUPERINTENDENT OF POLICE, C.B.C.I.D., ALAPPUZHA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/12/2006 ALONG WITH BA 7475/06, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application Nos.7473 & 7475 of 2006

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Dated this the 20th day of December, 2006

O R D E R

The common petitioner in these applications for regular bail under Section 439 Crl.P.C. is the second accused in Crime Nos. 209/CR/KLM/00 and 208/CR/KLM/00 of C.B.C.I.D, Alappuzha for offences punishable under Section 55(a) of Abkari Act and Sections 120B, 468 and 201 I.P.C.

2. Even though the Public Prosecutor opposed the application submitting inter alia that the contraband liquor seized in these cases is 24,000 liters of spirit loaded in two tanker lorries, having regard to the fact that the detention was on 3.6.1999 and the petitioner was only one of the Directors of Thottakkad Distillery and there is nothing to show that he had any personal involvement in the diversion of the spirit to Goa, the petitioner can be released on bail. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs. 50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like amount in each of the above crimes to the satisfaction of the J.F.C.M.-I, Punalur and subject to the following conditions:

1. The petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. The petitioner shall not commit any offence while on bail.

4. The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

These applications are allowed as above.

V.RAMKUMAR, JUDGE.

ess 20/12